Texas Law Review

Volume 70
1991-1992
INDEX

Copyright © 1991, 1992
by the Texas Law Review Association
Austin, Texas

TABLE OF CONTENTS

AUTHORS

Albright, Alex Wilson, *The Texas Discovery Privileges: A Fool's Game?* 781
Berger, Raoul, *"Original Intent": A Response to Hans Baade* 1535
Burbank, Stephen B., *Federal Judgments Law: Sources of Authority and Sources of Rules* . . . 1551
Casad, Robert C., *Personal Jurisdiction in Federal Question Cases* 1589
Charlow, Robin, *Wilful Ignorance and Criminal Culpability* 1351
Cross, Frank B., *The First Thing We Do, Let's Kill All the Economists: An Empirical Evaluation of the Effect of Lawyers on the United States Economy and Political System* 645
Gudel, Paul J., *Beyond Causation: The Interpretation of Action and the Mixed Motives Problem in Employment Discrimination Law* 17
Hirshman, Linda R., *Big Breasts and Bengali Beggars: A Reply to Richard Posner and Martha Nussbaum* 1029
Hirshman, Linda R., *The Book of "A"* 971
Issacharoff, Samuel, *Contractual Liberties in Discriminatory Markets* 1219
McCaffery, Edward J., *Tax Policy Under a Hybrid Income-Consumption Tax* 1145
Macey, Jonathan R. & Miller, Geoffrey P., *Origin of the Blue Sky Laws* 347
Miller, Geoffrey P. & Macey, Jonathan R., *Origin of the Blue Sky Laws* 347
Mitchell, Lawrence E., *A Theoretical and Practical Framework for Enforcing Corporate Constituency Statutes* 579
Mullenix, Linda S., *Federalizing Choice of Law for Mass-Tort Litigation* 1623
Nussbaum, Martha C., *Aristotle, Feminism, and Needs for Functioning* 1019
Posner, Richard A., *Ms. Aristotle* 1013
Reynolds, William L., *The Proper Forum for a Suit: Transnational Forum Non Conveniens and Counter-Suit Injunctions in the Federal Courts* 1663
Schroeder, Jeanne L., Abduction from the Seraglio: *Feminist Methodologies and the Logic of Imagination* 109
Silver, Charles, *Unloading the Lodestar: Toward a New Fee Award Procedure* 865
Trautman, Donald T., *Toward Federalizing Choice of Law* 1715
Weinberg, Louise, *The Federal-State Conflict of Laws: "Actual" Conflicts* 1743
Weintraub, Russell J., *The Extraterritorial Application of Antitrust and Securities Laws: An Inquiry into the Utility of a "Choice-of-Law" Approach* 1799
Zeppos, Nicholas S., *The Use of Authority in Statutory Interpretation: An Empirical Analysis* . 1073

ARTICLES

Abduction from the Seraglio: Feminist Methodologies and the Logic of Imagination, *Jeanne L. Schroeder* 109
Beyond Causation: The Interpretation of Action and the Mixed Motives Problem in Employment Discrimination Law, *Paul J. Gudel* 17
The Extraterritorial Application of Antitrust and Securities Laws: An Inquiry into the Utility of a "Choice-of-Law" Approach, *Russell J. Weintraub* 1799
Federalizing Choice of Law for Mass-Tort Litigation, *Linda S. Mullenix* 1623
Federal Judgments Law: Sources of Authority and Sources of Rules, *Stephen B. Burbank* . . . 1551
The Federal-State Conflict of Laws: "Actual" Conflicts, *Louise Weinberg* 1743
Origin of the Blue Sky Laws, *Jonathan R. Macey & Geoffrey P. Miller* 347
Personal Jurisdiction in Federal Question Cases, *Robert C. Casad* 1589
The Proper Forum for a Suit: Transnational Forum Non Conveniens and Counter-Suit Injunctions in the Federal Courts, *William L. Reynolds* 1663
Tax Policy Under a Hybrid Income-Consumption Tax, *Edward J. McCaffery* 1145
The Texas Discovery Privileges: A Fool's Game?, *Alex Wilson Albright* 781
A Theoretical and Practical Framework for Enforcing Corporate Constituency Statutes, *Lawrence E. Mitchell* 579
Toward Federalizing Choice of Law, *Donald T. Trautman* 1715
Unloading the Lodestar: Toward a New Fee Award Procedure, *Charles Silver* 865
The Use of Authority in Statutory Interpretation: An Empirical Analysis, *Nicholas S. Zeppos* . 1073
Wilful Ignorance and Criminal Culpability, *Robin Charlow* 1351

ESSAYS

Aristotle, Feminism, and Needs for Functioning, *Martha C. Nussbaum* 1019
Big Breasts and Bengali Beggars: A Reply to Richard Posner and Martha Nussbaum, *Linda R. Hirshman* 1029
The Book of "A", *Linda R. Hirshman* 971
Contractual Liberties in Discriminatory Markets, *Samuel Issacharoff* 1219
The First Thing We Do, Let's Kill All the Economists: An Empirical Evaluation of the Effect of Lawyers on the United States Economy and Political System, *Frank B. Cross* 645
Ms. Aristotle, *Richard A. Posner* 1013
"Original Intent": A Response to Hans Baade, *Raoul Berger* 1535

IN MEMORIAM

Jones, Edith Hollan, *A Farewell to Judge Alvin B. Rubin* 1
Robertson, David W., *Alvin Rubin's Last Dissent* 7

NOTES

Cancellation of Wire Transfers Under Article 4A of the Uniform Commercial Code: *Delbrueck & Co. v. Manufacturers Hanover Trust Co.* Revisited, *Roger Cowie* 739
Class Actions in the Asbestos Context: Balancing the Due Process Considerations Implicated by the Right to Opt Out, *Steve Baughman* 211
Expansion of the Government Contractor Defense: Applying *Boyle* to Vaccine Manufacturers, *Carole A. Loftin* 1261
Federal Rule 68 Offers of Judgment and Equitable Relief: Where Angels Fear to Tread, *Thomas L. Cubbage III* 465
Foolish Consistency? Compliance with the National Contingency Plan Under CERCLA § 107, *Rachel Giesber* 1297
Great Expectations: Assessing the Contract Damages of the Take-or-Pay Producer, *A.F. Brooke II* 1469
Immunity from Regulatory Price Squeeze Claims: From *Keogh*, *Parker*, and *Noerr* to *Town of Concord* and Beyond, *Keith A. Rowley* 399
The Madness of the Method: The Use of Electrocution and the Death Penalty, *Lonny J. Hoffman* 1039
Muddy Waters in the Pool of Capital: *ZuHone* and the Abolition of the Doctrine, *Patrick L. O'Daniel* 243
The Need for Civil-Law Nations to Adopt Discovery Rules in Art Replevin Actions: A Comparative Study, *Steven F. Grover* 1431
The Poor Tax Revisited: The Effects of Shifting the Burden of Investigating Drug Crimes To Lenders, *Michael D. Weiss* 717
Preemption in the Age of Local Regulatory Innovation: Fitting the Formula to a Different Kind of Conflict, *Christi R. Martin* 1831
Rights in Fine Art Photography: Through a Lens Darkly, *Jennifer T. Olsson* 1489
Risk Assessment of Hazardous Air Pollutants Under the EPA's Final Benzene Rules and the Clean Air Act Amendments of 1990, *Janet L. McQuaid* 427
***Touhy* and the Housekeeping Privilege: Dead but not Buried?,** *Gregory S. Coleman* 685

BOOKS REVIEWED

The Case Law System in America, by Karl Llewellyn. *Reviewed by Neil MacCormick & Zipporah Batshaw Wiseman* 771
Courts, Corrections, and the Constitution: The Impact of Judicial Intervention on Prisons and Jails, by John J. Dilulio. *Reviewed by Michele Deitch* 521
The Death of the Irreparable Injury Rule, by Douglas Laycock. *Reviewed by Gene R. Shreve* . 1063
Equality Transformed: A Quarter-Century of Affirmative Action, by Herman Belz. *Reviewed by William F. Banta* 1525
Exponential Misunderstandings: A Response to Professor Johnson's Review of *Tournament of Lawyers by Marc Galanter & Thomas Palay* 565
Interpreting the Constitution, by Harry H. Wellington. *Reviewed by Christopher Wolfe* 1325
On Reading the Constitution, by Laurence H. Tribe and Michael C. Dorf. *Reviewed by Christopher Wolfe* 1325
Reflections of an Affirmative Action Baby, by Stephen L. Carter. *Reviewed by William F. Banta* 1525
Ould Fields, New Corne: The Personal Memoirs of a Twentieth Century Lawyer, by Erwin N. Griswold. *Reviewed by Charles Alan Wright* 505
Private Property and the Limits of American Constitutionalism, by Jennifer Nedelsky. *Reviewed by Laura S. Underkuffler* 293
The Problems of Jurisprudence, by Richard A. Posner. *Reviewed by Steven Walt* 317
Tournament of Lawyers: The Transformation of the Big Law Firm, by Marc Galanter & Thomas M. Palay. *Reviewed by Vincent Robert Johnson* 537

BOOK REVIEWERS

Banta, William F., reviewing *Equality Transformed: A Quarter-Century of Affirmative Action, by Herman Belz* and *Reflections of an Affirmative Action Baby, by Stephen L. Carter* 1525
Deitch, Michele, reviewing *Courts, Corrections, and the Constitution: The Impact of Judicial Intervention on Prisons and Jails, by John J. Dilulio* 521
Galanter, Marc & Palay, Thomas, reviewing *Exponential Misunderstandings: A Response to Professor Johnson's Review of Tournament of Lawyers* 565
Johnson, Vincent Robert, reviewing *Tournament of Lawyers: The Transformation of the Big Law Firm, by Marc Galanter & Thomas M. Palay* 537
MacCormick, Neil & Wiseman, Zipporah Batshaw, reviewing *The Case Law System in America, by Karl Llewellyn* 771
Shreve, Gene R., reviewing *The Death of the Irreparable Injury Rule, by Douglas Laycock* . . 1063
Underkuffler, Laura S., reviewing *Private Property and the Limits of American Constitutionalism, by Jennifer Nedelsky* 293
Walt, Steven, reviewing *The Problems of Jurisprudence, by Richard A. Posner* 317
Wolfe, Christopher, reviewing *Interpreting the Constitution, by Harry H. Wellington* and *On Reading the Constitution, by Laurence H. Tribe & Michael C. Dorf* 1325
Wright, Charles Alan, reviewing *Ould Fields, New Corne: The Personal Memoirs of a Twentieth Century Lawyer, by Erwin N. Griswold* 505

TABLE OF CASES

A

A. P. Smith Mfg. Co. v. Barlow 602
Aaron v. SEC 1132
Ad Hoc Comm. on Judicial Admin. v. Massachusetts 230-31
"Agent Orange" Prod. Liab. Litig, *In re*. 1275-76, 1625, 1635, 1660, 1719, 1731
Alabama & New Orleans Transp. Co. v. Doyle 381
Albemarle Paper Co. v. Moody 30, 46
Aldridge v. Williams 1543, 1547
Alex v. Jasper Wyman & Son . . . 701-02, 714
Alfred Bell & Co. v. Catalda Fine Arts, Inc. 1497
Allen v. Humphreys 804-05, 808, 811, 822-23
Allen v. McCurry . . . 1554, 1563, 1565, 1570
Allen v. State Human Rights Comm'n . . . 230
Alliance to End Repression v. City of Chicago 925
Allied Tube & Conduit Corp. v. Indian Head, Inc. 422-23
Allstate Ins. Co. v. Hague 1724-26
Aluminum Co. of Am., United States v. . 407
Amland Properties Corp. v. Aluminum Co. of Am 1306-10, 1313, 1317, 1319, 1323
ANR v. Union Oil 1485
Arkansas Best Corp. v. Commissioner . . 291
Arkansas La. Gas Co. v. Hall 413-14
Arlington Heights v. Metropolitan Hous. Dev. Corp. 36-37
Armstrong v. Manzo 230
Asahi Metal Indus. v. Superior Court . . . 1593
Aspen Skiing Co. v. Aspen Highlands Skiing Corp. 406
Association for Retarded Citizens v. Olson . 471, 473-74, 478, 482-94, 497-99
Astoria Fed. Sav. & Loan Ass'n v. Solimino 1555, 1564-67
Atari, Inc. v. Amusement World, Inc. . . 1522
Auerbach v. Bennett 622, 633
Autocephalous Greek-Orthodox Church v. Goldberg & Feldman Fine Arts, Inc. 1433, 1449, 1450
Axelson, Inc. v. McIlhany 828-33, 836, 848-49

B

Baby M, *In re* 999
Banco Nacional de Cuba v. Sabbatino 1576-78, 1581, 1735, 1744, 1753, 1776, 1786
Bank v. Douglass 598
Banque Worms v. BankAmerica Int'l 749, 761-62
Barker v. Dunham 804
Barker v. Wingo 232
Barkovitz v. United States . . 1271-73, 1286-88
Benjamin v. Malcolm 522-24
Berger, *In re* 911
Bibbs v. Block 28, 34, 39-47, 51, 57, 60, 69, 106
Bivens v. Six Unknown Named Agents . 1132
Black & White Taxicab & Transfer Co. v. Brown & Yellow Taxicab & Transfer Co. 1647, 1648
Blackmer v. United States 703
Blair v. United States 703
Blalock v. Metals Trades, Inc. 28, 34-39, 105
Blanchard v. Bergeron . . . 875,878-82, 897, 917-23, 927
Blasius Indus. v. Atlas Corp. 581, 627-30, 632-33, 641
Bleistein v. Donaldson Lithographing Co. 1495, 1510
Blum v. Stenson 866-68, 879-80, 882, 886, 907, 916, 931-33, 937, 940
Board of Governors of the Fed. Reserve Sys. v. Dimension Fin. Corp. 1126
Bohen v. City of E. Chicago 892, 923-25, 955
Borden, Inc. v. Meiji Milk Prods. Co. 1667, 1686
Boron Oil Co. v. Downie 687-90, 695, 699-701, 705, 709, 713
Borough of Ellwood City v. Pennsylvania Power Co. (*Ellwood I*) 411-12
Boske v. Comingore 686-87
Bosley v. Davies 1353, 1361, 1362, 1365, 1401

Bowers v. Hardwick 1327, 1334, 1340-41, 1348
Boyle v. United Technologies Corp. 1263, 1269, 1277-86, 1290, 1293-95, 1729
Bradley v. Farwell 598
British Printing & Communication Corp. v. Harcourt Brace Jovanovich, Inc. 630
Brown & Root USA, Inc. v. Moore . 811-12, 820, 829, 838
Brown, People v. 1353, 1359
Brown v. Barry 1077
Brown v. Board of Educ. 989, 1219-20, 1227-29
Buck v. Bell 1128
Buenoano v. Dugger 1051-52
Buenoano v. State 1052-54
Burger King Corp. v. Rudzewicz 1593
Burgess, People v. 1367, 1369, 1406
Burnham v. Superior Court . 1589, 1605, 1608
Burrow-Giles Lithographic Co. v. Sarony 1495, 1498
Butler, United States v. 517

C

Caldwell v. Sioux Falls Stock Yards Co. 385-86
Calero-Toledo v. Pearson Yacht Leasing Co. 718-22, 731
California Fed. Sav. & Loan Ass'n v. Guerra 1246
California Motor Transp. Co. v. Trucking Unlimited 422
California Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc. 417-20, 425
California v. ARC America Corp. . 1744, 1747, 1758-60, 1762-70, 1776, 1778, 1779, 1781
Cammell v. Sewell 1457
Campbell v. Commissioner 261
Cantor v. Detroit Edison Co. . . 415, 420, 424
Caplin & Drysdale, Chartered v. United States 934-35
Carey v. Populations Servs. Int'l 1348
Carnival Cruise Lines, Inc. v. Shute 1605, 1650-52
Carolene Prods. Co., United States v. . . 1339
Carpenter v. Pennsylvania 1543
Carter v. Carter Coal Co. 517
Causey, United States v. 3
Chambers v. NASCO, Inc. 1132
Chandler v. Judicial Council of the Tenth Circuit 506
Chappell v. Wallace 1104
Chas. C. Stewart Mach. Co. v. Davis 517
Cheff v. Mathes 599, 618, 633
Chevron, Inc. v. Natural Resources Defense Council, Inc. 1318-23
Chillicothe Sand & Gravel Co. v. Martin Marietta Corp. 406
Chong v. Director, United States Info. Agency 710-11
Church of the Holy Trinity v. United States 1108, 1123-24
Cimino v. Raymark Indus. . . . 212, 226-27, 234-36, 1627, 1641
Citizens to Preserve Overton Park, Inc. v. Volpe 710-13
City of Kirkwood v. Union Elec. Co. . . . 399, 411-14, 420, 424
City of Lafayette, La. v. Louisiana Power & Light Co. 417-19
City of Mishawaka, Ind. v. American Elec. Power Co. (*Mishawaka II*) . . 399, 411-12
City of Mishawaka, Ind. v. Indiana & Mich. Elec. Co. (*Mishawaka I*) . 399, 411
City of Philadelphia, United States v1829, 1834, 1836, 1837, 1839, 1843
City of Riverside v. Rivera 879-80, 892-97, 923, 933, 938, 941-51, 954
Clearfield Trust Co. v. United States . . 1634, 1727-28, 1730
Cloverleaf Butter Co. v. Patterson 1830, 1834, 1836
Coates v. Whittington 827
Commissioner v. Engle 1077
Committee for Nuclear Responsibility, Inc. v. Seaborg 689, 699, 714
Commonwealth v. Maxwell 1133
Community for Creative Non-Violence v. Reid 1494, 1504
Cooper v. Singer 920, 922
Corn Prods. Ref. Co. v. Commissioner 290-91
County Line Inv. Co. v. Tinney 1305
County of Allegheny v. ACLU 328-29
Cowan v. Prudential Ins. Co. of Am. . . 894
Crimson Semiconductor, Inc. v. Electronum 1666, 1678
Crossman v. Marcoccio 481, 486, 496
Curtis v. County of Butler 1124

D

Dalehite v. United States 1271-72
Davis Enters. v. EPA 687-91, 694, 702-04, 709-12
Davis, United States v. 278, 936
Davis v. County of Los Angeles 882, 918-19, 955
Day v. Matthews 32, 34, 45
De Sylva v. Ballentine 1728, 1731
DeJames v. Magnificence Carriers, Inc. 1596, 1616
Delbrueck & Co. v. Manufacturers Hanover Trust Co. 743,746-48, 750-59, 763-65
Delta Air Lines, Inc. v. August 469, 473, 478
DeWeerth v. Baldinger 1436, 1461
Diamond v. Commissioner . 259-62, 288, 290
Diamond v. Oreamuno 592, 599
Dix v. Newsome 1040, 1049
Dodge v. Ford Motor Co. 595, 601-02
Dothard v. Rawlinson 639
Dougherty v. Barry 98
Dred Scott v. Sandford 1341, 1349
Dugan v. Rank 695, 698
Dunbar v. First Nat'l Bank 760
Dunn v. H. K. Porter Co. 925
Durham Indus. v. Tomy Corp. 1496

E

E.I. du Pont de Nemours & Co., United States v. 405
Eagle-Picher Indus. v. EPA 448
Eastern R.R. Presidents Conference v. Noerr Motor Freight Inc. . 399-400, 420-25
Edgington v. Fitzmaurice 83
Edmonson v. Leesville Concrete Co. . . 3-4, 11
EEOC v. Arabian Am. Oil Co. . . 1743, 1749, 1750, 1756
Eight Thousand Eight Hundred and Fifty Dollars, United States v. 231-32
Eisenstadt v. Baird 1328, 1334
Eisner v. Macomber 246, 254
Elsmere Music, Inc. v. National Broadcasting Co. 1518
Ely, United States v. 935-36
Enterprise Prods. Co. v. Sanderson 810, 819
Environmental Defense Fund v. EPA . . . 435
Environmental Enters., Inc. v. EPA . . 695-99
Erie R.R. v. Tompkins . . . 1557, 1574, 1633, 1634, 1645, 1647, 1657, 1659, 1697, 1716-17, 1727, 1729, 1736, 1740
Ernst v. Ernst 1678, 1680-82
Evans v. Jeff D. 873-76, 881, 884-85, 938
Executive Aviation, Inc. v. National Ins. Underwriters 901

F

Federal Power Comm'n v. Conway Corp. . 423
Federal Trade Comm'n v. Grolier, Inc. . . 821
Feenerty v. Swiftdrill, Inc. . 1666, 1673, 1680
Felder v. Casey 1557-59, 1562, 1570
Ferens v. John Deere Co. 1608, 1618, 1633, 1646, 1647
Feres v. United States 1269-70, 1276-81, 1286, 1296
Fishgold v. Sullivan Drydock & Repair Corp. 1078-79
Flast v. Cohen 512
Flores v. Fourth Court of Appeals . 781, 809 811-25, 834, 841-42, 844
Foster v. Heard 810
Frazell, United States v. 254, 257-58, 262-64, 272, 276-77, 280, 287-88
Freytag v. Commissioner 515
Furman v. Georgia 1060
Furtado v. Bishop 951, 954
Fusari v. Steinberg 231

G

Garcia v. San Antonio Metro. Transit Auth. 1636, 1840
Garrity v. Sununu 469-70, 482-94, 496, 499-500
Gay v. Waiters' & Dairy Lunchmen's Union Local, No. 30 472
General Electric Co. v. Litton Business Sys., Inc. 1306-08, 1313-14, 1321-23
Gideon v. Wainwright 516
Giza v. Secretary of Health, Educ. & Welfare 687, 691-94, 699
Glass, Molders, Pottery, Plastics & Allied Workers Int'l Union v. Wickes Cos. . 591, 606, 609
Glass v. Louisiana 1043, 1049, 1056-59
Goodman v. Lukens Steel Co. 71
Griggs v. Duke Power Co. 23, 41, 1220, 1234-35
Grinnell Corp., United States v. 405
Griswold v. Connecticut 1334, 1339, 1345, 1348
Grobow v. Perot 582-83, 620-29, 633
Gulf Oil Corp. v. Gilbert 1664, 1679, 1693, 1695, 1696
Gurary, United States v.1366, 1368, 1371, 1384

H

Hall v. Geiger-Jones Co. . . 349, 385-86, 388
Hamblen v. Dugger 1042, 1053
Hanlon, *Ex parte* 800-01, 803, 806
Hanlon, United States v. 1366-70, 1404
Hanna v. Plumer 1552, 1581
Hanover Shoe, Inc. v. United Shoe Mach. Corp. 1758, 1763-1767
Hanson Trust PLC v. SCM Corp. 611
Hanson v. Denckla 1592
Hariton v. Arco Elecs., Inc. 612
Harris v. McRae 1034
Haskins v. United States Dep't of the Army 34, 39
Hatch v. Fourth Nat'l Bank 762
Hawaii v. Mankichi 1535
Hayes Int'l, Inc. v. United States Dep't of the Navy 690-91, 693, 709-10
Hayes v. Secretary of Health & Human Servs. 898
Haywood v. Lincoln Lumber Co. 598
Helicopteros Nacionales de Colombia, S.A. v. Hall 1609
Henlopen Hotel Corp. v. Aetna Ins. Co. . . 928
Hensel Phelps Constr. Co. v. Commissioner 287-88
Hensley v. Eckerhart 866, 870 879, 907, 930, 934, 951, 954-58
Herald Co. v. Seawell 603, 618
Herman & MacLean v. Huddlestone . . . 1132
Hickman v. Taylor 784-92, 797, 800-01, 803, 821, 826, 830-36
Hilton v. Guyot 1556, 1574-77, 1582-84
Hinderlider v. LaPlata River Co. 1717, 1737, 1740
Hines v. Davidowitz 1832, 1835-36
Hoehling v. Universal City Studios, Inc. . 1517
Hopkins v. Price Waterhouse 34, 53-54 56, 58, 68
Houdaille Indus. v. Cunningham . . . 804-05
House Bill No. 1,291, *In re* 1127
Howe v. Goldcorp Investments 1674, 1699, 1701
Howlett v. Rose . . 1742, 1744, 1771-79, 1785

I

Ideal Toy Corp. v. Fab-Lu Ltd. 1496
Illinois Brick Co. v. Illinois . 1758-60, 1762-69, 1779, 1781
In re . . . . . *See name of opposing party.*
Industrial Union Dep't, AFL-CIO v. American Petroleum Inst. 435-36
INS v. Chadha 1092
Insurance Corp. of Ireland v. Compagnie des Bauxites de Guineé . 1589, 1594, 1602
International Bhd. of Teamsters v. United States 22-23, 31, 46, 65-66
International Freighting Corp. v. Commissioner 278
International Shoe Co. v. Washington 1103-04, 1592
International Union, UAW v. Johnson Controls, Inc. 1127

J

Jackson v. Ludeling 597
Jacobs, United States v. . . 1354, 1366-70, 1398
James A. Lewis Eng'g, Inc. v. Commissioner 253-54, 272, 276, 281
Jampole v. Touchy 786, 806
Jedwab v. MGM Grand Hotels, Inc. 638
Jeha v. Arabian American Oil Co. . 1668, 1673, 1674, 1682
Jenkins v. Raymark Indus. 227, 237
Jennings v. Boeing Co. . . 1673-76, 1682, 1693
Jewell, United States v. 1353, 1355-56, 1358, 1368, 1371, 1372, 1382, 1387, 1390, 1391, 1411, 1412, 1415, 1416, 1419-22, 1425-28
Johns-Manville Corp., *In re* 212, 223
Johnson v. Georgia Highway Express, Inc. 879, 917-19, 951-52
Johnson v. Goodyear Tire & Rubber Co. . 32
Johnson v. United States 1546
Johnston v. Penrod Drilling Co. 472
Joint E. & S. Dists. Asbestos Litig., *In re* 212
Joly, United States v. . . 1371, 1372, 1411, 1412
Joy v. North 605

K

Kallash, United States v. 1366-68, 1371, 1382, 1411, 1412
Kansas v. Utilicorp United, Inc. . . 1768, 1769
Keeton v. Hustler Magazine, Inc. 1608
Keifer & Keifer v. R.F.C. 1546
Kemmler, *In re* 1040-45, 1049, 1054-62
Kenan v. Commissioner 278
Keogh v. Chicago & N.W. Ry. 399-400 413-16, 425
Kieselstein-Cord v. Accessories by Pearl, Inc. 1498
Kimbell Foods, Inc., United States v. . . . 1729
Kingston v. Chicago & N.W. Ry. 64
Kirchoff v. Flynn 899, 911-12, 924, 947
Klaxon Co. v. Stentor Elec. Mfg. Co. . 1568, 1633, 1636, 1646, 1647, 1655, 1727
Koehler v. The Black River Falls Iron Co. 598
Kremer v. Chemical Constr. Corp. . . . 1553, 1562, 1563, 1571
Kryger v. Wilson 1716-18, 1740

L

L. Batlin & Son, Inc. v. Snyder 1497
Ladon, *Ex parte* 800-01, 806
Laffey v. Northwest Airlines, Inc. . . 905-06, 912, 940, 950
Laker Airways v. Sabena, Belgian World Airlines 1703, 1711-13
Larson v. Domestic & Foreign Commerce Corp. 694-703
Layman, United States v. 728
Lee v. Russell County Bd. of Educ. . . . 48, 51
Leede Oil & Gas, Inc. v. McCorkle . . 830-31
Leeming v. Leeming 471
Lemon v. Kurtzman 329
Lenard v. Argento 892, 923, 926-27
Leong v. Hilton Hotels Corp. 51
Lieber v. Mohawk Arms, Inc. 1448
Lightfoot v. Walker 471, 473, 483-94, 496-500
Lilienthal v. Kaufman 1723-24
Lindy Bros. Builders v. American Radiator & Standard Sanitary Corp. 866, 917
Litchfield v. Spielberg 1495
Little Lake Misere Land Co., United States v. 1729
Littlehale v. E.I. du Pont de Nemours & Co. 1275
Litton Systems, Inc. v. AT&T 424
Lochner v. New York 1226
Logan v. Zimmerman Brush Co. 229, 232
Lone Star Gas Co. v. Murchison 282
Los Angeles Dep't of Water & Power v. Manhart 1254-55
Louisiana *ex rel.* Francis v. Resweber . 1040, 1046-56, 1061
Lowenstein v. Evans 416
Lowry, State v. 786, 795, 825-28, 835
Lynch v. Donnelly 329

M

Manchester Pipeline Corp. v. Peoples Natural Gas Co. 1475, 1476
Marbury v. Madison 1331, 1546
Marek v. Chesny 466-68, 470, 472-78, 482, 489 496, 502
Martin v. University of S. Ala. 951
Martin v. Wilks 222
Marvin Worth Prods. v. Superior Films Corp. 1516
Mashburn v. National Healthcare, Inc. . . . 239
Matthews v. Twelfth Court of Appeals . . 810
Mazer v. Stein 1501, 1522
MCA, Inc. v. Wilson 1518
McCandless v. Furland 597
McClain, United States v. 1443
McCulloch v. Maryland 686-87
McDonald v. City of West Branch 1563
McDonnell Douglas Corp. v. Green . . . 23-25, 34, 49-52, 66-67, 98, 100-01
McGonigal v. Gearhart Indus. 1281
MCI Communications Corp. v. AT&T 406-10, 413-15, 419, 424
McKay v. Rockwell Int'l Corp. . . . 1263, 1269, 1276, 1279, 1280, 1282
McLeod, United States v. 697
Meinhard v. Salmon 624
Mellon Bank v. Securities Settlement Corp. 748
Merchants Nat'l Bank & Trust Co. v. United States 707
Merchants' Fire Ins. Co. v. MacAdams . . 928
Merrick v. N.W. Halsey & Co. 360, 378, 385-88
Mesa v. California 691, 693, 697
Metal Finishers, Inc. 1311
Metropolitan Life Ins. Co. v. Massachusetts 1830
Metropolitan Life Ins. Co. v. RJR Nabisco 604, 606, 608
Meyer v. Nebraska 1334
Michael H. v. Gerald D. 1329
Midlantic Nat'l Bank v. New Jersey Dep.t of Envtl. Protection 1831, 1833-34
Miles v. M.N.C. Corp. 47-50
Milkovich v. Saari 1724
Millar v. Taylor 1536-37, 1547
Milliken v. Pratt 1720-21
Mississippi Publishing Corp. v. Murphree 1594
Missouri v. Jenkins 867, 933
Mondou v. New York 1616
Monessen S.W. Ry. v. Morgan 1785-94
Moore v. Armour Pharmaceutical Co. . . 687, 695,707-10
Moragne v. States Marine Lines, Inc. . . 1132
Moran v. Household Int'l, Inc. 600, 613, 619, 632
Morehead v. New York *ex rel.* Tipaldo . . 516
Morgan, United States v. 710
Mr. Hanger, Inc. v. Cut Rate Plastic Hangers, Inc. 471, 474
Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle 35-38, 46, 49, 58-60, 63-64
Mullane v. Central Hanover Bank & Trust Co. 229-30, 1133
Munn v. Algee 10-16

N

Nash v. CBS, Inc. 1522
Natelli, United States v. 1354, 1368, 1370, 1404, 1406
National Asbestos Litig., *In re* 228
National City Lines, Inc., United States v. 1701, 1702
National Resources Defense Council, Inc. v. EPA (*Vinyl Chloride*) 427-28, 430, 435-46, 451, 455-59
Neumeier v. Kuehner 1722-23
New Motor Vehicle Bd. v. Orrin W. Fox Co. 417
New York Times Co. v. United States . . 512
Nielsen v. George Diamond Vogel Paint Co. 1281
Nixon, United States v. 512, 703, 713
NLRB v. Capitol Fish Co. . . 687-88, 713-15
NLRB v. Jones & Laughlin Steel Corp. . 517
Northern Dist. of Cal., "Dalkon Shield" IUD Prods. Liab. Litig, *In re* 213

O

O'Keeffe v. Snyder . . 1432, 1459, 1460, 1461
Oakley v. Aspinwall 289
Old Dominion Copper Mining & Smelting Co. v. Lewisohn 355-56
Old Dominion Copper Mining & Smelting Co. v. Bigelow 355-56
Olivares-Vega, United States v. . . 1371, 1372, 1411, 1412
Olsen v. Smith 400, 416
Omni Capital International v. Rudolf Wolff & Co. 1595
Otter Tail Power Co. v. United States 405, 410
Owens-Corning Fiberglas Corp. v. Caldwell 820-23, 833, 836, 842
Oxford First Corp. v. PNC Liquidating Corp. 1601

P

Palmer v. Bender 245-53, 264, 285-86
Pan Am World Airways, Inc. v. Lopez . . 1684, 1685, 1697, 1702
Paramount Communications Corp. v. Time, Inc. 582, 585, 610-20, 625, 627-30
Parker v. Brown . . 399-400, 416-18, 421, 425
Parratt v. Taylor 232
Patrick v. Burget 419
Pearson v. Northeast Airlines, Inc. 1731
Peeples v. Honorable Fourth Supreme Judicial Dist. 806
Pennsylvania v. Delaware Valley Citizens' Council for Clean Air (*Delaware Valley II*) 867, 870, 874, 877, 885, 907, 918-19, 932, 934-35, 949
Pennsylvania v. Delaware Valley Citizens' Council for Clean Air (*Delaware Valley I*) 867, 925, 931-34
Pennzoil Co. v. Texaco, Inc. 1773
People v. . . . . *See name of opposing party.*
Pepper v. Litton 596-98
Perkins v. Benguet Consol. Mining Co. . 1593
Perlman v. Feldmann 590, 592, 599, 604
Personnel Adm'r of Mass. v. Feeney 71
Phelps v. McQuade 1448
Phillips Petroleum Co. v. Shutts 214-22, 233, 236, 240, 1589, 1743, 1748, 1750
Pickering v. Board of Educ. 37
Pierce v. Society of Sisters 1334
Pigeaud v. McLaren 501
Pinney Dock & Transp. Co. v. Penn Cent. Corp. 413-16, 425
Piper Aircraft Co. v. Reyno 1665, 1667, 1670, 1673, 1675, 1677, 1678, 1682, 1683, 1686, 1688, 1691, 1693, 1696, 1697, 1706
Plessy v. Ferguson 1227
Poe v. Ullman 1334
Precision Medical Lab, United States v. 1354, 1367-69, 1403
Premier Elec. Constr. Co. v. National Elec. Contractors Ass'n 234
Price Waterhouse v. Hopkins 17-21, 47-48, 51-71, 78, 83, 88-89, 93-95, 100-01, 104-07
Public Citizen v. United States Dep't of Justice 1549
Public Serv. Co. v. Federal Power Comm'n 404-05
Pure Oil Co. v. Suarez 1612

Q

Quesada v. Thomason 920, 927-28

R

Radomsky v. United States 49
Ramey v. Martin-Baker Aircraft Co. 1281, 1290-92 1294
Ramsey, United States v. 1354, 1359, 1363, 1366, 1403, 1407, 1408, 1411, 1412
Reconstruction Fin. Corp. v. Beaver County 1728
Redgate v. Haynes . . 1361, 1362, 1365, 1401
Regina v. Sleep 1401, 1409, 1410
Reid-Walen v. Hansen 1667, 1672, 1673, 1675, 1682, 1686, 1694

Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc. 580-81, 600-01, 608-10, 615-19, 632
Reynolds Metals Co. v. Crowther 687 691-92, 695-99 701-05, 713
Reynolds, United States v. 687, 707, 714
Rhem v. Malcolm 522, 524
Rhode Island v. Massachusetts 1543
Ritter v. Smith 1050-51
Robinson v. Harkins & Co. 804, 806-12, 840
Roe v. Wade 1034, 1327-28, 1334, 1340-41, 1346-48
Rogers v. Koons 1516-20
Rostker v. Goldberg 993-94
Rudetsky v. O'Dowd 1669, 1673, 1693, 1694, 1700
Ruiz v. Estelle 521-22, 527, 530-34
Ruiz v. Lynaugh 534
Ruiz v. McCotter 533
Rumely v. United States . . . 1359, 1370-1372

S

S.A. Empresa De Viacao Aerea Rio Grandense (Varig Airlines), United States v. 1271-74, 1289
S.J. Groves & Sons Co. v. Warner Co. 1485, 1486
Salinger v. Random House, Inc. . . 1503, 1519
San Diego Navy Fed. Credit Union v. Cumis Ins. Soc'y 901
Sarantos, United States v. 1356, 1367, 1369, 1370, 1387, 1404
Save Our Cumberland Mountains, Inc. v. Hodel 905-06, 912, 930, 933, 940
School Asbestos Litig., *In re* 1662
SEC v. C.M. Joiner Leasing Corp. 1133
SEC v. Chenery 596
Seeman v. Philadelphia Warehouse Co. . . . 1721
Seventy Thousand Four Hundred and Seventy-Six Dollars, United States v. . . . 721-22
Shanley v. Youngstown Sheet & Tube Co. 33, 88
Sharon Lease Oil Co. v. FERC 687, 695, 699-702
Sheiner, United States v. . . . 1360, 1369, 1404
Shepperd, *Ex parte* 805
Shlensky v. Wrigley 603
Shute v. Carnival Cruise Lines 1606
Shutts v. Phillips Petroleum Co. . . . 216-22, 236
Simons v. Cogan 586, 605, 633
Smith, United States v. 1546
Smythe v. Fiske 1535
Solomon R. Guggenheim Found. v. Lubell 1433, 1436
Somerset v. Hart . . . 1361, 1362, 1365, 1400
Southern Motor Carriers Rate Conference, Inc., United States v. 424
Southern Motor Carriers Rate Conference, Inc. v. United States 417-20, 425
Southern Pac. Transp. Co. v. Banales 829-31
Spanier v. Morrison's Management Servs. . . 51
Speigel v. Buntrock 625
Spencer v. General Elec. Co. . . . 471, 476-77, 484, 490-95, 501
Spurr, United States v. . . 1353, 1401, 1404-07
Square D Co. v. Niagara Frontier Tariff Bureau, Inc. 413, 415
St. John v. United States 261
Stack v. Tenneco, Inc. 1484, 1485
Stahl v. Apple Bancorp 582, 587, 625-29
Standard Oil Co., United States v. 1729
Stanford Daily v. Zurcher 918-19
Star-Telegram, Inc. v. Schattman 819
State v. . . . . *See name of opposing party.*
Stencel Aero Eng'g Corp. v. United States . . 1269-70, 1276-81, 1286, 1296
Stewart v. Abend 1517
Stringer v. Eleventh Court of Appeals . . 804, 807-10, 840
Strong v. Repide 600
Summers v. Tice 64
Superior Coal Co. v. Ruhrkohle 1597
Swann v. Charlotte-Mecklenburg Bd. of Educ. 918-19
Swett v. Schenk 687-93, 697-700, 702, 704-06
Swift v. Tyson . . 1066-67, 1574, 1647, 1660

T

Terry v. Lawrence 804
Testa v. Katt . . 1616, 1744, 1771, 1778, 1780
Texaco Ref. & Mktg. v. Sanderson 811
Texas Dep't of Community Affairs v. Burdine 24-26, 38, 44-45, 48-52, 66-67, 100-01, 639

Texas Industries, Inc. v. Radcliff Materials, Inc. 1769
Texas State Teachers Ass'n v. Garland Indep. Sch. Dist. 476, 480, 500-01
Textile Workers Union v. Lincoln Mills . 1634
The Bremen v. Zapata Off-Shore Co. . . . 1736
The Tungus v. Skovgaard 1731
Theodora Holding Corp. v. Henderson 602-03
Thomas v. Jones 1050-51, 1054, 1058
Time v. Bernard Geis Assocs. 1497
Tom. L. Scott, Inc. v. McIlhany 842
Tomplait v. Combustion Eng'g Inc. 211
Toney v. Block 26, 30, 34, 45
Touhy v. Ragen, United States *ex rel*, 686-89, 694-95, 698-99, 702-09
Town of Concord, Mass. v. Boston Edison Co. 399-402, 407-12, 416, 420, 424-25
Trans World Airlines, Inc. v. Thurston . 49-51
Trevino v. General Dynamics Corp. 1281
Tri-State Petroleum Corp. v. Saber Energy 1483
Turbodyne Corp. v. Heard 807-10

U

United Mine Workers v. Gibbs . . . 1606, 1617
United Mine Workers v. Pennington . . . 400, 420-25
United States Postal Serv. Bd. of Governors v. Aikens 83
United States Steel Corp. v. Multistate Tax Comm'n 514
United States v. . . *See name of opposing party.*
United Steelworkers v. Weber 1527-28
University of Tenn. v. Elliott . . . 1555, 1558, 1559, 1562-71
Unocal Corp. v. Mesa Petroleum Co. 590, 599-600, 608, 611-19, 625-32
UNR Indus. v. Continental Ins. Co. 211
Upjohn Co. v. United States 786, 790, 792, 838
Utah Construction, United States v. . . . 1567, 1568, 1570

V

Van Cauwenberghe v. Biard 1589
Van Dusen v. Barrack 1633, 1646
Venegas v. Mitchell 877, 885, 900, 929, 931-32, 954
Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc. 1100

W - Z

Wade v. Singer Co. 687-88, 707, 713
Walker v. Carnival Cruise Lines 1593
Walker v. Packer 804
Wallis v. Pan Am. Petroleum Corp. 1729
Wards Cove Packing Co. v. Atonio . . . 1238
Weber v. Kaiser Aluminum & Chem. Corp. 1527-28
Webster v. Reproductive Health Servs. . . . 1340
West Coast Hotel Co. v. Parrish 517
West Publishing Co. v. Mead Data Central, Inc. 1497
Whalen v. Walt Disney World Co. 1593
Wheaton v. Peters 1537-40
White-Smith Music Co. v. Apollo Co. . . 1540
White v. University of Ark. 39, 44-45
Willard v. City of Los Angeles 880-81
William R. Compton Co. v. Allen . . . 381-82
Winkworth v. Christie Manson & Woods Ltd. 1443, 1450, 1452, 1457, 1465
World-Wide Volkswagen Corp. v. Woodson 216, 1589, 1593
Yearsley v. W.A. Ross Constr. Co. . . 1274-75,
Zapata Corp. v. Maldonado 620-21, 629, 633
ZuHone v. Commissioner 243-91

TABLE OF STATUTES, CONSTITUTIONS, AND RULES

UNITED STATES CONSTITUTION

Generally 1110, 1325-50
Article I, § 8, cl. 18, Necessary and Proper Clause 1615
Article I, § 8, cl. 8, Patents and Copyrights Clause 1500, 1511
Article I, § 8, cl. 3, Commerce Clause 1636
Article I, §10, cl. 1, Contract Clause 302
Article III, § 1 1599
Article III, § 2, cl. 1 1636
Article III, § 2, cl. 2 1606
Article IV, § 1, Full Faith and Credit Clause 216, 1555, 1562, 1571, 1584, 1636
Article IV, § 2, cl. 1, Privileges and Immunities Clause 1636
Article V 1335
Article VI, § 1, Supremacy Clause 702, 1831
Due Process Clause 211-41, 302, 1332, 1337
First Amendment 313, 328-29, 1108, 1123, 1335
Third Amendment 1335
Fourth Amendment 1335
Fifth Amendment 1332
Sixth Amendment 232, 936
Eighth Amendment 1039-62, 1042, 1332
Ninth Amendment 1335-36, 1346
Tenth Amendment 400, 417, 1636, 1645
Fourteenth Amendment 95, 400, 1329, 1332, 1346, 1545, 1599

FOREIGN CONSTITUTION

Canadian Const. (Constitution Act, 1982) pt. I (Canadian Charter of Rights and Freedoms), § 1303

FEDERAL STATUTES

Act of Apr. 29, 1802 1494
Administrative Procedure Act (APA) 691, 693-94, 700, 709-13, 1100
Age Discrimination in Employment Act of 1967 (ADEA) 19, 49, 97, 99, 1247-50, 1564-67
Americans with Disabilities Act 1251-53
Anti-Injuction Act 213-14
Asset Forfeiture Amendments Act of 1988 719
Civil Rights Act of 1866 19
Civil Rights Act of 1871 . . . . . 1771, 1775
Civil Rights Act of 1964
  Generally 18, 22, 1219-20, 1227-29, 1242-43, 1525, 1531, 1779, 1780
  Title VII 17-108, 468, 480, 639
Civil Rights Act of 1990 . . . . . 19, 69, 99
Civil Rights Act of 1991 . . . . . 17, 19-20, 45, 68-70, 99, 1234, 1238-39, 1256, 1531
Civil Rights Attorney's Fees Awards Act of 1976 . . . . . 866, 889, 897, 917, 923
Clayton Act 100, 1761, 1766
Clean Air Act of 1970 . . . . . 427-59, 1319
Clean Air Act Amendments of 1990 427-64
Clean Water Act 432, 453, 1748
Comprehensive Drug Abuse Prevention and Control Act of 1970 717
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 47, 1297-1324
Comprehensive Forfeiture Act of 1984 . . . . . 717, 721
Controlled Substances Act 717-38
Court Reform and Access to Justice Act 1628, 1658

Equal Access to Justice Act 873, 908
Fair Labor Standards Act of 1938 99
Federal Deposit Insurance Act 1126
Federal Employers' Liability Act (FELA) 1556, 1558, 1785
Federal Officer Removal Statute 690-91, 693-94, 696-97, 699, 703-04, 705, 715
Federal Power Act of 1935 . . . . . 404, 414
Federal Torts Claims Act (FTCA) 1269-72, 79
Fees Act 873, 882, 893, 916, 920
Food, Drug and Cosmetic Act 432, 1286
Freedom of Information Act (FOIA) 685-86, 692
Full Faith and Credit Statute 1554, 1555, 1561-65, 1568-70, 1584
Housekeeping Act 685-715
Immunization Grant Program 1261, 1283
Judicial Improvements Act of 1990 . . . . . 871, 903, 965
Judiciary Act of 1789 1594
Multiparty, Multiforum Jurisdiction Act of 1990 . . . . . 1628, 1639
Multiparty, Multiforum Jurisdiction Act of 1991 . . . . . 1628, 1635, 1639, 1657, 1658
National Childhood Vaccine Act of 1986 . . . . . 1262, 1267-68
National Labor Relations Act 1830
Natural Gas Act of 1938 1471
Natural Gas Policy Act of 1978 1472
Psychotropic Substance Act of 1978 717
Public Health Service Act (PHSA) 1284
Racketeer Influenced and Corrupt Organizations Act 100
Resource Conservation and Recovery Act of 1976 (RCRA) 1298
Rules Enabling Act 1132
Rules of Decision Act 1559, 1560, 1562, 1567, 1569, 1571, 1579, 1581
Securities Act of 1933 . . . . . 348-49, 389, 392-93
Securities Exchange Act of 1934 . . . . . 349, 605, 611
Selective Training and Service Act of 1940 1078
Sherman Antitrust Act 405, 412, 417, 420-22, 1099-1100
Tax Reform Act of 1986 . . . . . 1147, 1154
Technical Advice Memorandum 85-20-005 (Jan. 30, 1985) 264, 274
Technical and Miscellaneous Revenue Act of 1988 875
Uniform Guidelines on Employees Selection Procedures 1236-37
Vaccination Assistance Act of 1962 1283
Virus, Serum, Toxin Act of 1902 1284
Visual Artists Rights Act of 1990 . . . . . 1490, 1505
5 U.S.C. § 22 688
10 U.S.C. § 1001 1616
11 U.S.C. § 554 1833
15 U.S.C. §§ 77-78 . . . . . 637, 872-73
17 U.S.C. § 101 . . . . . 1489, 1494, 1498, 1504, 1508, 1520
17 U.S.C. § 102 . . . . . 1497, 1498
17 U.S.C. § 106 . . . . . 1500, 1507
17 U.S.C. § 106A 1506, 1509, 1511, 1520
17 U.S.C. § 107 . . . . . 1502-03, 1517, 1519, 1520
17 U.S.C. § 301 1540
21 U.S.C. § 881 717
I.R.C. § 61 . . . . . 254, 258-59, 262-63, 284-86, 288
I.R.C. § 83 . . . . . 251, 255-59, 262, 265-66, 284-86
I.R.C. § 101 . . . . . 1153, 1197, 1203
I.R.C. § 167 251
I.R.C. § 168 251
I.R.C. § 351 . . . . . 257-59, 262-63, 285-86, 254, 258-59, 285, 259
I.R.C. §§ 611-613 251

I.R.C. § 614 254
I.R.C. § 721 . . . . . 244, 257, 259, 261-63, 285-86
I.R.C. § 1001 . . . . . 251, 258
I.R.C. § 1031 1153
I.R.C. § 1221 290-91
I.R.C. § 2001 308
I.R.C. § 7430 875
I.R.C. § 7702 1197
28 U.S.C. § 453 333
28 U.S.C. § 631 964
28 U.S.C. § 723c 786
28 U.S.C. § 1331 . . . . . 693-94, 1100
28 U.S.C. § 1335 1132
28 U.S.C. § 1361 692
28 U.S.C. § 1391 . . . . . 1597, 1603, 1609, 1611-1613, 1619, 1620
28 U.S.C. § 1404 1613
28 U.S.C. § 1404 1633
28 U.S.C. § 1404 1133
28 U.S.C. § 1404(a) 1665, 1671, 1699, 1702
28 U.S.C. § 1406 1633
28 U.S.C. § 1407 1633
28 U.S.C. § 1407 228
28 U.S.C. § 1441 1617
28 U.S.C. § 1441-1452 1646
28 U.S.C. § 1652 (Rules of Decision Act) 1647
28 U.S.C. § 1738 692
42 U.S.C. § 1971 1525
42 U.S.C. § 1983 924
42 U.S.C. § 1988 . . . . . 466, 468, 477-78, 486
42 U.S.C. §§ 1975a-1975d 1525
42 U.S.C. §§ 2000a to 2000h-6 1525
42 U.S.C.A. §§ 2000e-1 to -17 1846
49 U.S.C. § 1903(d) 693

FEDERAL RULES OF CIVIL PROCEDURE

Amendments to Federal Rules of Civil Procedure (1991) 1132
Fed. R. Civ. P. 4 1131-32
Fed. R. Civ. P. 8 786
Fed. R. Civ. P. 11 . . . . . 872, 939
Fed. R. Civ. P. 12 . . . . . 902, 939, 964
Fed. R. Civ. P. 23 . . . . . 211-41, 473
Fed. R. Civ. P. 26 . . . . . 791, 854
Fed. R. Civ. P. 26(b) 707-09, 784, 786, 789-95, 824, 826, 857, 849, 853, 861-63
Fed. R. Civ. P. 37 853
Fed. R. Civ. P. 54 . . . . . 903-04, 953, 960
Fed. R. Civ. P. 56 939
Fed. R. Civ. P. 65(d) 499
Fed. R. Civ. P. 68 . . . . . 465-504, 939
Fed. R. Civ. P. 23 1631
Fed. R. Civ. P. 4 . . . . . 1594, 1607

STATE CONSTITUTIONS, STATUTES, AND REGULATIONS

Delaware

Del. Code Ann. tit. 8, § 141 . . . . . 612, 620
Del. Code Ann. tit. 8, § 144 . . . . . 621, 632

Georgia
Ga. Code Ann. § 14-2-202(b)(5) 579, 581

Illinois
Ill. S. Ct. R. 201(b)(2) 784

Indiana
Ind. Code Ann. § 23-1-35-1 . . . . . 579, 589
Ind. Code Ann. §§ 23-2-3.1-0.5 to -11 588

Kansas
Act of Feb. 27, 1911, ch. 61, 1911 Kan. Sess. Laws 61 . . . . . 359-80, 384-85
Act of Mar. 23, 1915, ch. 164, 1915 Kan. Sess. Laws 195 387
Act of March 10, 1911, ch. 133, 1911 Kan. Sess. Laws 210 361
Kan. Stat. Ann. § 60-223(c)(2) 240

Nevada
Nev. R. Civ. P. 68 471-72

New York
N.Y. Bus. Corp. Law § 713 632
N.Y. Bus. Corp. Law § 717(b) 579, 581
N.Y. Electrical Execution Law, 1888 N.Y.Laws 778 1042-44

Ohio
Ohio Rev. Code Ann. § 1701.59 . . . . . 579, 581, 588-89, 631

Pennsylvania
231 Pa. Code § 4003.3 784

Texas
Act of Aug. 21, 1913, 33d Leg., 1st C.S., ch. 32, 1913 Tex. Gen. Laws 66 379
Texas Disciplinary Rule of Professional Conduct 1.04(d) 914
Tex. Bus. & Com. Code Ann. §15.10 825
Tex. Civ. Prac. & Rem. Code Ann. § 154.073(a) 814
Tex. Rev. Civ. Stat. Ann. art. 1446c 403, 404, 410
Texas Rules of Civil Evidence 503 . . . . . 829, 838
Texas Rules of Civil Procedure 794-95, 798
Specifically:
Rule 11 820
Rule 13 820
Rule 14 850
Rule 76a 816-17
Rule 166 794
Rule 166b 829, 832, 844, 847-48, 850, 855-57, 861-63
Rule 166b(2)(a) 802
Rule 166b(3) 802-05, 808, 810, 816, 819, 822, 824-26, 828, 830-31, 835, 838

Rule 166b(4) 807, 845
Rule 166b(5) 802
Rule 167 799-802
Rule 167a 827
Rule 168(5) 850
Rule 169 799
Rule 186a 799-803
Rule 186-88 799
Rule 189 799
Rule 202 799
Rule 215 . . . . . 795, 802
Rule 273-79 798-99

UNIFORM CODES

Model Code of Professional Responsibility EC 7-1, DR 4-101 785
Model Penal Code § 1.13(2) 343
§ 2.01(2)(a) 343
§ 2.02 . . . . . 1356, 1361, 1367, 1372, 1373, 1375, 1377-80, 1382-85, 1387, 1392, 1415, 1421, 1423
§ 2.01(1) 343
§ 221.1(1) 341
§ 221.2(1) 341
§ 223.2(1) 342-44
§ 5.01 1375
§ 5.01(1)(c) 342
§ 5.01(4) cmt. 8 342
Model Rules of Professional Conduct
Rule 1.3 785
Rule 1.5(c) 902, 914
Rule 1.6 785
Revised Model Business Corp. Act §§ 11.02-.03 611-12
Uniform Commercial Code (UCC) 773
§ 1-102(3) 761
§ 1-103 . . . . . 758, 763
§ 1-201(3) 755
Article 2 773
§ 2-711(1) 758
§ 3-104 741
§ 3-118 747
§ 3-410 747
§ 4-103(1) 761
§ 4-302 741
§ 4-303 . . . . . 745, 747
§ 4-403 . . . . . 745, 753, 759, 761
§ 4-704 762
Article 4A 739-69
§ 4A-102 762
§ 4A-402(c) 762
Uniform Employment Termination Act 20
Uniform Partnership Act § 18(a) 260
Uniform Sales Act of 1906 773
Uniform Sales Act of 1940 773
Uniform Transfer of Litigation Act 1617

INTERNATIONAL CHARTERS

Berne Convention Implementation Act of 1988, § 3(b) 1505-06
Convention on Jurisdiction and the Recognition of Judgments in Civil and Commercial Matters 1572, 1573, 1587
Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1572, 1573
Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters 1587
Preliminary Draft UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects . . 1455

FOREIGN STATUTES

Sale of Shares Act, 1913 378
French Civil Code art. 2279 . . . . . 1448, 1449, 1451
French Civil Code art. 2280 . . . . . 1450, 1451